

Court of Appeals, State of Michigan

ORDER

Shelly Bernelis v Sang H Oh MD

Docket No. 265472

LC No. 03-003091-NH

Donald S. Owens
Presiding Judge

William C. Whitbeck, CJ

Alton T. Davis
Judges

The Court orders that in lieu of granting defendants' application for leave to appeal, the order denying defendants' motion for summary disposition regarding causation and/or for a *Daubert* hearing is REVERSED, and the case is REMANDED to the trial court for a hearing, following which the trial court shall issue findings of fact and conclusions of law on the admissibility of the testimony of Dr. Schlesinger consistent with the requirements of MRE 702, *Gilbert v DaimlerChrysler Corp*, 470 Mich 749; 685 NW2d 391 (2004), *Craig v Oakwood Hospital*, 471 Mich 67; 684 NW2d 296 (2004), and *Clerc v Chippewa War Memorial Hospital*, 267 Mich App 597; 705 NW2d 703 (2005). We do not retain jurisdiction.

Davis, J. would deny application for leave to appeal.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 22 2006

Date

Sandra Schultz Mengel
Chief Clerk